

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

CARLY GRAFF, et al.

Plaintiffs,

v.

ABERDEEN ENTERPRIZES II, INC., et al.

Defendants.

Case No. 4:17-CV-606-SEH-JFJ

PLAINTIFFS' MOTION TO FILE SUPPLEMENTAL BRIEF IN SUPPORT OF
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

Plaintiffs respectfully move to file a supplemental brief pursuant to Local Civil Rule 7-1(f) to provide this Court with additional information responsive to the Court's questions at the June 26, 2024, hearing about the application of the recently amended state law to Plaintiffs' request for preliminary injunctive relief. Plaintiffs believe that this supplemental briefing will benefit the Court's consideration of Plaintiffs' Motion for Preliminary Injunction, Doc. 77 ("PI Motion").

At oral argument, this Court expressed interest in the question of whether Plaintiffs who have outstanding warrants would benefit from a newly enacted provision of Oklahoma law that appears to convert previously issued and unserved arrest warrants for failure to appear or failure to pay court financial obligations into "cost cite and release warrants." *See* Okla. Stat. tit. 22, § 983(H)(6) (eff. Nov. 1, 2023). As the attached proposed supplemental brief explains, this change in law has not resulted in changes to the circumstances of Plaintiff Randy Frazier, the sole remaining subject of the PI Motion, who continues to live in the shadow of active arrest warrants for nonpayment of court debt that were issued at the request of Defendant Aberdeen Enterprizes II, Inc., without a hearing or inquiry into his ability to pay. Mr. Frazier and his family continue to

live in fear that he will be arrested because of these warrants. His request for preliminary injunctive relief remains live, and the PI Motion is due for adjudication.

Dated: July 29, 2024

Respectfully Submitted,

Katherine Hubbard (admitted *pro hac vice*)
D.C. Bar No. 1500503
Leonard J. Laurenceau (admitted *pro hac vice*)
D.C. Bar No. 90007729
CIVIL RIGHTS CORPS
1601 Connecticut Ave. NW, Suite 800
Washington, D.C. 20009
Tel: 202-844-4975
katherine@civilrightscorps.org
leo@civilrightscorps.org

Daniel Smolen, OBA #19943
Robert M. Blakemore, OBA #18656
SMOLEN & ROYTMAN
701 South Cincinnati Avenue
Tulsa, OK 74119
Tel: 918-585-2667

/s/ Seth Wayne
Seth Wayne (admitted *pro hac vice*)
D.C. Bar No. 888273445
Shelby Calambokidis (admitted *pro hac vice*)
D.C. Bar No. 1684804
Mary B. McCord (admitted *pro hac vice*)
D.C. Bar No. 427563
INSTITUTE FOR CONSTITUTIONAL ADVOCACY
AND PROTECTION
Georgetown University Law Center
600 New Jersey Ave. NW
Washington, D.C. 20001
Tel: 202-662-9042
sw1098@georgetown.edu
sc2053@georgetown.edu
mbm7@georgetown.edu

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on July 29, 2024, I electronically transmitted the foregoing document to the Clerk of Court using the ECF system for filing and transmittal of a Notice of Electronic Filing to all ECF registered counsel of record.

/s/ Seth Wayne